



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

May 15, 2024

By Email and ECF

The Honorable Sarah L. Cave
United States Magistrate Judge
500 Pearl Street
Southern District of New York
New York, New York 10007

Application GRANTED. The Preliminary Hearing date is ADJOURNED to May 30, 2024 and shall take place in the U.S. District Court for the District of Arizona.

SO ORDERED.

U.S.M.J. 5/16/2024

Re: *United States v. Manuel Fana*, 24 Mag. 1707 (SLC)

Dear Judge Cave:

The Government writes to update the Court on the defendant's next court appearance in the U.S. District Court for the District of Arizona, which will occur on May 30, 2024, and to respectfully request that the Court: (1) issue an order requiring the defendant to appear in the District of Arizona and (2) adjourn the preliminary hearing date from May 21, 2024 to May 30, 2024, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure, when such hearing shall be held in the District of Arizona. The defendant consents to this request.

On April 29, 2024, the defendant was arrested in the Southern District of New York. The following day, on April 30, the defendant was presented before the Court pursuant to an arrest warrant and criminal complaint filed in the District of Arizona. The defendant did not challenge whether he was the same person named in the warrant. At the conclusion of the April 30 proceeding, the defendant was ordered released upon satisfaction of certain conditions. The Court also set a preliminary hearing date of May 21, 2024 and scheduled a telephone conference with the parties to be held within one week of the defendant's release to set a date for his return to the District of Arizona. On May 9, the parties appeared before the Court telephonically, at which time the Court directed the Government to determine whether the U.S. District Court for the District of Arizona would set the date for the defendant's appearance there or if the Court should do so.

The Government has since been informed by the Clerk's Office for the U.S. District Court for the District of Arizona that the defendant will be issued a summons to appear on Thursday, May 30, 2024, at 3:00 p.m. in Courtroom 305 of the Sandra Day O'Connor U.S. Courthouse in Phoenix, Arizona. Accordingly, the Government requests that the Court enter the enclosed proposed order directing the defendant to appear in the District of Arizona at such time and place. Additionally, the Government requests, pursuant to Federal Rules of Criminal Procedure 5.1(b)

[CONTINUED ON THE NEXT PAGE]

and (d), that the Court adjourn the preliminary hearing from May 21 to May 30 and order that such hearing be held in the district where the prosecution is pending – the District of Arizona.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/
 Varun A. Gumaste
 Assistant United States Attorney
 (212) 637-1023

Encl.

cc: Counsel of Record